

Jeffrey Chubak
Amini LLC
131 West 35th Street
12th Floor
New York, NY 10001
(212) 490-4700
jchubak@aminillc.com

Evan Brustein
Brustein Law PLLC
299 Broadway
17th Floor
New York, NY 10007
(212) 233-3900
evan@brusteinlaw.com
Attorneys for Judgment Creditor Maria Jose Pizarro

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re

SANTIAGO QUEZADA, SR.

Debtor

Case 24-22431-SHL

Chapter 11, Subchapter V

**NOTICE OF JUDGMENT CREDITOR MARIA JOSE
PIZARRO'S MOTION TO EXPAND TRUSTEE ERIC HUEBSCHER'S
DUTIES PURSUANT TO 11 U.S.C. § 1183(b)(2)**

PLEASE TAKE NOTICE, a hearing will be held before the Hon. Sean H. Lane on February 26, 2025, at 10:00 a.m., or as soon thereafter as counsel may be heard, on judgment creditor Maria Jose Pizarro's annexed motion to expand trustee Eric Huebscher's duties pursuant to 11 U.S.C. § 1183(b)(2).

PLEASE TAKE FURTHER NOTICE, you may appear at the hearing either in person, at the United States Bankruptcy Court for the Southern District of New York, 300 Quarropas Street, White Plains, NY 10601, or remotely via ZoomGov. Per the [Chambers Rules](#) on remote and in-person proceedings, any person wishing to attend the hearing, whether in person or participate or listen via ZoomGov, must register at least twenty-four (24) hours before the hearing using the

Court's eCourt Appearance tool <https://www.nysb.uscourts.gov/ecourt-appearances>. Outlook invitations for the hearing will be sent to ZoomGov registrants after 4:00 p.m. the business day before the hearing.

PLEASE TAKE FURTHER NOTICE, answering papers must be filed at least seven days before the hearing.

Dated: New York, NY
February 6, 2025

Amini LLC

/s/ Jeffrey Chubak
Jeffrey Chubak
131 West 35th Street
12th Floor
New York, NY 10001
(212) 490-4700
jchubak@aminillc.com

Evan Brustein
Brustein Law PLLC
299 Broadway
17th Floor
New York, NY 10007
(212) 233-3900
evan@brusteinlaw.com
Attorneys for Judgment Creditor Maria Jose Pizarro

Jeffrey Chubak
Amini LLC
131 West 35th Street
12th Floor
New York, NY 10001
(212) 490-4700
jchubak@aminillc.com

Evan Brustein
Brustein Law PLLC
299 Broadway
17th Floor
New York, NY 10007
(212) 233-3900
evan@brusteinlaw.com
Attorneys for Judgment Creditor Maria Jose Pizarro

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re

SANTIAGO QUEZADA, SR.

Debtor

Case 24-22431-SHL

Chapter 11, Subchapter V

**JUDGMENT CREDITOR MARIA JOSE PIZARRO’S MOTION TO EXPAND
TRUSTEE ERIC HUEBSCHER’S DUTIES PURSUANT TO 11 U.S.C. § 1183(b)(2)**

Judgment creditor Maria Jose Pizarro hereby moves to expand trustee Eric Huebscher’s duties pursuant to 11 U.S.C. § 1183(b)(2), and states:

1. § 1183(b) provides:

Duties.—The trustee shall ...

(2) perform the duties specified in paragraphs (3), (4) and (7) of section 1106(a) of this title, if the court, for cause and on request of a party in interest, the trustee or the United States trustee, so orders.

2. § 1106(a)(3) in turn requires a trustee to “investigate the acts, conduct, assets, liabilities and financial condition of the debtor, the operation of the debtor’s business and the desirability of the continuance of such business, and any other matter relevant to the case or to the

formulation of a plan”; and § 1106(a)(4) requires a trustee to “file a statement of any investigation conducted.”

3. “The Bankruptcy Code does not specify what constitutes ‘cause’ for the Court to expand a Subchapter V Trustee’s duties under section 1183(b)(2).” *In re Corinthian Commc’ns, Inc.*, 642 B.R. 224, 233 (Bankr. S.D.N.Y. 2022).

4. “Cause” to expand a Subchapter V Trustee’s duties ... is likely to exist where there are ‘significant questions such as the debtor’s true financial condition, what property is property of the estate ... and the accuracy and completeness of the debtor’s disclosures and reports.’” *Id.* (quoting Hon. Paul W. Bonapfel, [A Guide to the Small Business Reorganization Act of 2019](#) at 57 (Rev. June 2022) (“Guide”) (citing *In re Ozcelebi*, 639 B.R. 365, 383 (Bankr. S.D. Tex. 2022))). *See also id.* at 234 (also citing [Guide](#) at 57) (“continued lack of disclosure” regarding matters of fundamental importance to the case constitutes cause).

5. Cause exists here because significant questions exist concerning the nature and extent of the Debtor’s Dominican real property holdings, which warrant an independent investigation. At the January 22, 2025 hearing, Debtor’s counsel disputed that the Debtor owns all 27 parcels listed in ECF [#36-1](#), [#38-1](#) but does not appear to dispute that he owns more than the three scheduled (ECF [#11](#)) ones. At the hearing, Debtor’s counsel mentioned the possibility of his engaging a Dominican lawyer to look into this matter. Maria’s preference is that a disinterested person investigate the matter.

6. Cause also exists because Debtor’s counsel acknowledged at the January 22, 2025 hearing that the schedules (ECF [#11](#)) are incomplete and need to be amended; and because despite the undersigned’s January 9, 2025 request, the Debtor has yet to file his FRBP 2015.3 statement,

such that no color has been provided as to the Debtor's income sources beyond the monthly operating reports, which are past due.¹

WHEREFORE, an order should be entered expanding Mr. Huebscher's duties pursuant to 11 U.S.C. § 1183(b)(2) and granting such other and further relief as the Court deems just and proper.

Dated: New York, NY
February 6, 2025

Amini LLC

/s/ Jeffrey Chubak
Jeffrey Chubak
131 West 35th Street
12th Floor
New York, NY 10001
(212) 490-4700
jchubak@aminillc.com

Brustein Law PLLC
299 Broadway
17th Floor
New York, NY 10007
(212) 233-3900
evan@brusteinlaw.com
Attorneys for Judgment Creditor Maria Jose Pizarro

¹ Last filed report is for September 2024. (ECF [#24](#).)